IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6710 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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JETHABHAI RAMABHAI PRAJAPATI - Petitioner(s)
Versus
DISTRICT PRIMARY EDUCATION OFFICER & 2 - Respondent(s)

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Appearance :
MR NC SHAH for Petitioner(s) : 1,
M/S THAKKAR ASSOC. for Respondent(s) : 1,
None for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 28/12/2006

ORAL JUDGMENT

1. By way of this petition under Article 226 of the Constitution of India, the petitioner has prayed for an appropriate writ, direction and/or order

to quash and set aside the order dated 2.1.1997 passed by the respondent No.2 with regard to recovery.

2. It appears that by order dated 21.10.1997, this Court has granted the ad-interim relief in terms of paragraph -11-D and this Court granted the stay of further implementation and operation of the order dated 2.1.1997.

3. Today, when the matter is called out, Ms. Vinita Vinayak, learned advocate appearing for the respondent No.1 – District Primary Education Officer, District Panchayat, Sabarkantha, has placed on record one xerox copy of the communication dated 18.11.2006 addressed to her that the petitioner has already been paid all the pensionary benefits. The said communication is directed to be taken on record. Shri Prajapati, learned advocate appearing for the petitioner has submitted that he has no further instructions from the petitioner, however, he has submitted that this special civil application be disposed of with a liberty to revive in case of difficulty.

4. In view of the communication dated 18.11.2006, the petitioner is already paid all retiremental benefits/dues available to the petitioner and therefore, no cause survives so far as present special civil application is concerned.

Accordingly, this special civil application is disposed of, however, liberty is reserved in favour of the petitioner to revive this petition in case of difficulty. Rule is discharged. No costs.

[M.R.Shah, J.]

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